

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kenichiro Kawato and Shigeyoshi Nishihara
Serial No. : 10/601,447 Confirmation No.: 9769
Filing Date : June 23, 2003

RESPONSE TO OFFICE ACTION - Remarks

1.-3. Election/Restriction

In the Office Action mailed July 23, 2004, the Examiner has required that, under 35 U.S.C. 121, applicant elect a single disclosed species for prosecution on the merits. Accordingly, applicant herein elects a single disclosed species and restricts the claims to this invention. Applicant herein claims Species II depicted in figures 21-24, and claims 1-7 and 10, as amended, which are readable thereon.

Applicant appreciates the Examiner's statement that claim 1 is generic. Claim 8 is withdrawn and claim 9 is amended to depend from claim 1; applicant believes that amended claim 9 is now part of Species II. Also, applicant adds claims 11-14; support for these claims can be found in claims 2, 4, 5 and 10 respectively. Applicant believes that these claims, which depend from claim 1 and claim 9, are also part of Species II. Allowance of these claims is earnestly requested.

4. Foreign priority claim/ objection to abstract

The Examiner states that while applicant's claim for priority under 35 U.S.C. 119(a)-(d) based on an application filed in Japan on June 21, 2002 is acknowledged, the claim cannot be based on said application since the United States application was filed more than twelve months thereafter. However, applicant respectfully states that

according to the Convention as stated in the MPEP, Section 201.13, D. Time for Filing Nonprovisional Application, "... If the last day of the 12 months [from the earliest foreign filing date] is a Saturday, Sunday, or Federal holiday within the District of Columbia, the U.S. non-provisional application is in time if filed on the next succeeding business day ...” Applicant states that June 21, 2003, 12 months from the earliest foreign filing date, is a Saturday, so that filing on Monday, June 23, 2003 is considered to be within 12 months. Applicant respectfully requests that the foreign priority claim based upon the Japanese application filed June 21, 2002 be accepted.

The Examiner states that the abstract of the disclosure is objected to because legal phraseologies should be avoided. Applicant submits herewith an amended, marked up abstract and respectfully requests that this objection be withdrawn.

6.-7. Rejection of claims under 35 USC 102

The Examiner has rejected claims 1-5 and 10 under 35 U.S.C. 102 (b) as being anticipated by Japanese reference 49-107081. Applicant respectfully traverses this rejection. Applicant’s amended claim 1 claims that "... movable bodies which are adjacently positioned in the direction of travel *are coupleable together*” (emphasis added) which is a feature of applicant’s invention that does not appear in JP ‘081. Support for this amendment can be found in the specification in paragraph [0012] and in paragraph [0135]. With respect to the load carrier 3 of JP ‘081, the front trolleys (1, 1', 2, 2') and the rear trolleys (1, 1', 2, 2') are not connected as shown in Fig. 1. Therefore, the subject invention differs from JP ‘081 because the movable bodies of applicant’s invention “are coupleable together” as presently set for in the claims as amended herein, while the

coupling together of the trolleys in JP '081 is not disclosed or implied. This is a specific limitations in claim 1 which is not found in JP '081, wherefor JP '081 cannot support a rejection under 35 U.S.C. 102(b). Applicant respectfully requests that the rejection of claims 1-5 and 10 be withdrawn.

8. Rejection of claims under 35 USC 103

The Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 49-107081 in view of Nakagami, U.S. Patent No. 6,360,671. The Examiner states that regarding the moving means being in the form of feeding rollers engaging the passive surfaces of the moving bodies, Figure 4 of Nakagami should be considered.

Applicant respectfully traverses this rejection. Claim 6 depends from amended claim 1 and incorporates all of the limitations therein. Claim 1, as amended and discussed above, has at least one feature which is not found in JP '081 so that claim 1 is not anticipated by JP '081. Thus JP '081 combined with another reference cannot support a rejection under 35 U.S.C. 103(a) of claim 6. Applicant respectfully requests that the rejection of claim 6 be withdrawn.

9. Rejection of claims under 35 USC 103

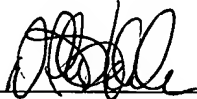
The Examiner has rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 49-107081 in view of Japanese reference 55-130412. The Examiner states that regarding the branching means in the form of divided rail members on rotating devices for rotating the divided rail members, the branching means shown in Figure 4 of Japanese reference '412 should be considered.

Applicant respectfully traverses this rejection. Claim 7 depends from amended claim 1 and incorporates all of the limitations therein. Claim 1, as amended and discussed above, has at least one feature which is not found in JP '081 so that claim 1 is not anticipated by JP '081. Thus JP '081 combined with another reference cannot support a rejection under 35 U.S.C. 103(a) of claim 6. Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Conclusion

No new matter has been added. Accordingly, prosecution on the merits hereof is respectfully requested. The Examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,



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